

**RULES  
OF  
THE BOARD OF REGENTS  
OF THE  
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

**INSTITUTIONAL STUDENT DISCIPLINARY RULES**

**CHAPTER 0240-3-4  
MIDDLE TENNESSEE STATE UNIVERSITY  
STUDENT DISCIPLINARY RULES**

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**0240-3-4-.01 GENERAL PROVISIONS.**

- (1) Expectations. University students are citizens of the state, local and academic communities, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Moreover, in most instances, students are also adults, having reached the legal age of majority. Thus, students are expected to take personal responsibility for their conduct. The University does not assume responsibility for the actions of individual students or groups of students.
- (2) Reservation of Rights. Notwithstanding the above, admission to an institution of higher education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition and furtherance of the relationship that exists between the institution and the academic community which it seeks to serve, and pursuant to authorization by the Tennessee Board of Regents, the University reserves the right to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (3) Purpose and Goals of Regulations. The University has developed the following regulations which are intended to govern student conduct on the Middle Tennessee State University campus. These regulations are set forth in order to provide students with notice of conduct which is prohibited. The individual regulations may encompass a broad range of conduct and are not intended to describe specific acts of misconduct in detail.
- (4) Definitions. For purpose of the student disciplinary rules, the following definitions apply:
  - (a) The term “University” means Middle Tennessee State University.
  - (b) “Student” includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. A “student” is further defined as someone who has been accepted for admission or readmission to the University. Persons who are not officially enrolled for a particular term but who have a continuing relationship means that the individual has been enrolled in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session immediately following, and also during any period while an individual is subject to suspension by the University.
  - (c) “Faculty member” means any person employed by the University to conduct academic activities. The term “staff member” means any person employed by the University in a non-teaching or non-academic capacity.

(Rule 0240-3-4-.01, continued)

- (d) “University official” includes any person employed by the University, performing assigned administrative, professional, or staff responsibilities.
  - (e) “Member of the University community” includes any person who is a student, member of the faculty or staff, University official or any other person employed by the University.
  - (f) “University premises” includes all land, buildings, facilities, and other property in the possession of, or owned, used or controlled by the University or by organizations chartered and registered with the University, including adjacent streets and sidewalks.
  - (g) “Student organization,” unless otherwise indicated, means any group that has complied with the formal requirements and been approved for University registration.
  - (h) “University activity” means any activity sponsored by the University, any agency of the University, or any University organization which may be attended in part or whole by students, faculty members, staff members, or other members of the general public and conducted on or off University premises.
  - (i) “Judicial Coordinator” means a University official authorized to administer the judicial process. The person, located in the office of the Assistant Dean for Judicial Affairs and Mediation Services, may serve as a judicial advisor, administrative hearing officer, or advisor to a judicial hearing. This person is authorized to impose sanctions in all cases heard administratively.
  - (j) “Shall,” “should,” and “will” are used in the imperative sense.
  - (k) “May” is used in the permissive sense.
  - (l) “Policy” is defined as the written regulations of the University as found in official University publications or other documents, but not limited to the Student Handbook or the Undergraduate and Graduate Catalogs.
  - (m) “Complainant” is defined as Middle Tennessee State University or the person making a referral to the Assistant Dean of Students’ Office relevant to a person or group alleged to be in violation of the Middle Tennessee State University General Regulations on Student Conduct.
  - (n) “Respondent” is defined as the student or group alleged in an official complaint filed with the Assistant Dean of Students to have violated the Middle Tennessee State University General Regulations on Student Conduct.
  - (o) “Hearing officer” is defined as any University official authorized to hear cases referred for administrative reviews.
- (5) Dual Responsibilities. Students are responsible to both civil and criminal authorities and to the University for conduct that constitutes violations of law and of University regulations. Disciplinary actions pursuant to these regulations may be carried out prior to, simultaneously with, or following civil or criminal proceedings without pendency of civil or criminal litigation in court or criminal arrest and prosecution. Disciplinary outcomes including finding of responsibility and the imposition of sanctions shall not be subject to change as a result of criminal or civil outcome
- (6) Scope of Regulations. Disciplinary action may be taken against a student for violation of the regulations which occur on institutionally owned, leased, or otherwise controlled property or which occur off campus when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. In addition, disciplinary action

(Rule 0240-3-4-.01, continued)

may be taken on the basis of any conduct on or off campus that poses a substantial threat to persons or property within the institutional community. The Assistant Dean for Judicial Affairs and Mediation Services in consultation with appropriate university officials shall decide if disciplinary action shall be taken for off-campus conduct on a case-by-case basis. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree even when the conduct occurs prior to the beginning of classes and in between semesters. This includes conduct that is discovered after the awarding of a degree. Should a student choose to withdraw from the university with disciplinary action pending, the student's record will be encumbered by the Office of Judicial Affairs and Mediation Services.

- (7) **Applicability of Regulations to Student Organizations.** These regulations and related material incorporated herein by reference are applicable to student organizations as well as individual students. Student organizations are vicariously liable for the conduct and actions of each member of the organization while acting in the capacity of a member or while attending or participating in any activity of the organization. In addition to the sanctions described, student organizations are also subject to withdrawal of registration. Where registration of an organization is withdrawn, it shall cease to exist as an organization.

An organization which is placed on probation may continue to hold meetings but may not sponsor any activity or program. An organization which is placed under suspension may not engage in or sponsor any activity or program, and may not hold meetings.

- (8) **Judicial Authority.**
- (a) Pursuant to T.C.A. §49-8-203, the Tennessee Board of Regents is authorized to establish policies and regulations regarding the campus life of institutions, including, but not limited to, the conduct of students.
  - (b) The Judicial Coordinator is authorized to make the determination and/or recommendation of the method of hearing each complaint or allegation.
  - (c) The Judicial Coordinator is authorized to provide other opportunities for conflict resolution outside of the judicial process consistent with these rules.
  - (d) The Judicial Coordinator shall implement policies and procedures for the administration of the judicial program and procedures for the conduct of hearings consistent with the General Regulations on Student Conduct.
- (9) **Confidentiality of Disciplinary Process.** In accordance with the "Family Educational Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. 1232g, a student's disciplinary files are considered "Educational Records." These records are confidential and may only be accessed by the student and as otherwise provided by law.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 19, 2007; effective May 31, 2007.

#### **0240-3-4-.02 DISCIPLINARY OFFENSES.**

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution-controlled property.

(Rule 0240-3-4-.02, continued)

- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
- (a) Conduct Dangerous to Self or Others. Any conduct which constitutes a danger to any person's health, safety, or personal well being, including, but not limited to, the following:
    - 1. Physical and/or verbal abuse
    - 2. Threats and/or intimidation
    - 3. Harassment of any kind
    - 4. Harm inflicted on self
  - (b) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
  - (c) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals.
  - (d) Obstruction of or interference with institutional activities or facilities. Any interference with or obstruction of any institutional activity, program, event, or facilities, including the following:
    - 1. Any unauthorized occupancy or entry of institution or institutionally controlled facilities or blockage of access to or from such facilities.
    - 2. Interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event, or facility.
    - 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his or her duty.
    - 4. Participating in behavior that disrupts the scheduled and/or normal activities of the university.
    - 5. Interference of either (1) the instructor's ability to conduct class, or (2) the ability of other students to participate in and profit from instructional activity.
  - (e) Misuse of or damage to property. Any act of misuse, vandalism malicious or unwarranted damage or destruction, defacing or unauthorized use of property belonging to the institution including but not limited to, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices; and any such act against a member of the institution community or a guest of the institution;
  - (f) Theft, Misappropriation, or Unauthorized Sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution, including identity theft;

(Rule 0240-3-4-.02, continued)

- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institution documents, forms, records, or identification cards, including the giving of any false information to any university official acting in performance of their duties, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the institution;
- (h) Firearms and Other Dangerous Weapons. Possession of or use of firearms or dangerous weapons of any kind. This includes the possession or use of any kind of ammunition;
- (i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcohol beverages on University owned or controlled property.
- (k) Public Intoxication. Appearing on University owned or controlled property, or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance.
- (l) Drugs. The possession, use, or manufacture of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance, except for medications prescribed by a physician and in the possession of the student or other person for whom the prescription was written, or medications which have been legally obtained, such as use of over-the-counter drugs.
- (m) Drug Paraphernalia. The use or possession of equipment, products or materials which is used or intended for use in manufacturing, growing using or distributing any drug or controlled substance;
- (n) Gambling. Gambling in any form.
- (o) Financial irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution.
- (p) Abuse of the Judicial System. Any conduct involving:
  - 1. Falsification, distortion, or misrepresentation of information to the Judicial Officer or judicial body;
  - 2. Disruption or interference with the orderly conduct of a judicial proceeding;
  - 3. Knowingly making a false allegation or filing a false complaint;
  - 4. Any attempt to influence the impartiality of a member of a judicial body;
  - 5. Verbal or physical harassment or intimidation of a judicial board member, complainant, or witness in a judicial proceeding; and,
  - 6. Failure to comply with the sanctions imposed by a judicial board or Judicial Coordinator.

(Rule 0240-3-4-.02, continued)

- (q) Failure to cooperate with institutional officials. Failure to comply with directions of institutional officials acting in the performances of their duties;
- (r) Academic Misconduct, Plagiarism, cheating, fabrication, or facilitating any such act. For purposes of this section, the following definitions apply:
  - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper acknowledgment.
  - 2. Cheating. Using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term academic exercise includes all forms of work submitted for credit or hours.
  - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
  - 4. Facilitation. Helping or attempting to help another to violate a provision of the institutional code of academic misconduct.
- (s) Violation of general rules and regulations. Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (t) Attempts and Aiding and Abetting the Commission of Offenses. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense should remove themselves from the situation and are encouraged to report the offense.
- (u) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (v) Advertisement flyers and brochures. Distribution or placement of advertising flyers and related literature onto parked vehicles on campus except if (1) the vehicle is owned by the person distributing the flyers or (2) the person distributing the flyers has the express consent of the vehicle owner to place the material on the vehicle;
- (w) Duplication or unauthorized possession of keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization;
- (x) Fire drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal;
- (y) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (z) Motor Vehicles. (1) Failure to register a motor vehicle, which is used on campus, with the Department of Parking and Traffic Regulations; (2) failure to comply with the provisions of the Middle Tennessee State University Parking and Traffic Regulations;
- (aa) Pornography. Public display of literature, films, pictures or other material which an average person applying contemporary community standards would find, (1) taken as a whole, appeals

(Rule 0240-3-4-.02, continued)

to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;

- (bb) Sirens and loudspeakers. Unauthorized use of sirens, loudspeakers and other sound amplification equipment;
- (cc) Student identification cards. (1) Failure to possess at all times a valid student identification card; (2) failure to surrender ID card to University official upon proper request; and
- (dd) Sexual Misconduct. Sexual misconduct includes any sexual act or penetration which is accomplished by threat, coercion, use of restraint or force, or any act where the respondent knows, or should have known, that the victim was unable or incapable of giving consent.
- (ee) Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling or by any another means of application, on such property.
- (ff) Abuse of computer resources and facilities. Misusing and/or abusing campus resources including, but not limited to, the following:
  - 1. Use of another person's identification and/or password.
  - 2. Use of university resources and facilities to violate copyright laws.
  - 3. Unauthorized access to a file, including but not limited to, altering, using, reading, copying, or deleting the file.
  - 4. Unauthorized transfer of a file.
  - 5. Use of computing resources and facilities to send abusive or obscene correspondence and/or interference with normal operation of the university computing system.
  - 6. Use of computing resources and facilities to interfere with the work of another student, faculty member, or university official.
  - 7. Violation of any published Information Technology Resources policy.
- (gg) Unauthorized access to institutional facilities and/or grounds. Any access and/or occupancy of institutional facilities and grounds is prohibited including but not limited to gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present.
- (hh) Providing false information to a university official. Giving any false information to any identifiable university official acting in the performance of his/her duties, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the institution.
- (ii) Unauthorized Surveillance. Making unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.

(Rule 0240-3-4-.02, continued)

- (3) Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on institutionally owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional activity or the missions, processes and functions of the institution. In addition, disciplinary action may be taken on the basis of any conduct on or off-campus, which poses a substantial threat to persons or property within the institutional community.
- (4) For the purposes of these Regulations, a “student” shall mean any person who is registered for study at Middle Tennessee State University for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the institution.

**Authority:** T.C.A. §§49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed January 16, 2007; effective May 31, 2007.

#### **0240-3-4-.03 DISCIPLINARY SANCTIONS.**

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions.
  - (a) Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of the violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, or financial loss.
  - (b) Verbal Warning. The appropriate institutional official may verbally notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
  - (c) Written Reprimand. A written reprimand serves as notice to the student or organization that their conduct reflects behavior unacceptable to the community and inconsistent with University regulations. Use of this sanction is meant to document the experience and formally advise the student or organization that future violations may result in more serious sanctions.
  - (d) Community Service Hours. A student may be required to perform specified tasks of community service under the supervision of a University official.
  - (e) Developmental Probation. A student or members of an organization may be required to meet with a designated University official on a regularly scheduled basis for a specified period of time. This may be effective in providing educational opportunities for the student or student group to participate in discussions that will explore more appropriate alternative behaviors, possible measures that may be taken to prevent situations which may result in additional violations, or instruction in issues related to the disciplined conduct.

(Rule 0240-3-4-.03, continued)

- (f) **Removal of Privileges.** A student or organization may have specific privileges removed or restricted if such action is determined to be the most effective way to have the student or organization learn from the consequences of their behavior. Removal of privileges may be imposed in concert with other sanctions and may include, but is not limited to, denial of the right to represent the University in any way, denial of use of facilities, parking privileges, participation in extracurricular activities, or removal of organizational privileges.
- (g) **Disciplinary Probation.** A student's right to remain enrolled at the University or an organization's official registration may be placed in a probationary status and conditioned upon adherence to these Regulations. Any student or organization placed in a probationary status may will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include removal of privileges or the imposition of restrictions on the student or organization's activities. Any conduct in violation of these Regulations while in a probationary status may result in the imposition of a sanction of suspension or expulsion, or removal of an organization's official registration.
- (h) **Suspension.** If a student is suspended, he or she is separated from the institution for a stated period of time with conditions of readmission stated in the notice of suspension. Any student receiving a sanction of suspension shall be restricted from the campus of Middle Tennessee State University during the period of separation unless on official business with the University verified in writing by the Office of the Dean of Student Life. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University.
- (i) **Expulsion.** Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission to the institution. Any student receiving a sanction of expulsion shall be restricted from the campus of Middle Tennessee State University unless on official business with the University verified in writing by the Office of the Dean of Student Life. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University.
- (j) **Interim or summary suspension.**
  - 1. As a general rule, the status of a student accused of violations of these Regulations should not be altered until a final determination has been made in regard to the charges against him or her. Nevertheless, summary suspension may be imposed upon a finding by the Dean of Student Life or a designee that the continued presence of the accused on campus will pose an immediate threat:
    - (i) To the physical safety and well being of the accused, or of any other member of the University community or its guests;
    - (ii) To the integrity of institutional property or personal property of members of the University community or its guests; or
    - (iii) Substantial disruption of classroom or other campus activities.
  - 2. During an interim suspension, the student shall be denied access to the residence hall and/or to the campus (including classes), and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Student Life, or a designee, may determine to be appropriate.
  - 3. A preliminary hearing will be held by a designee of the dean of Student Life in consultation with appropriate University officials within four (4) working days of the

(Rule 0240-3-4-.03, continued)

interim or summary suspension to determine if the interim suspension should continue until a formal hearing of the charges by a University adjudicating body can be held.

- (k) Revocation of Admission and/or Degree following admission to the university and/or a degree awarded from the university may be revoked for serious violations committed by a student prior to beginning classes or prior to graduation.
  - (l) Withholding of Degree. The awarding of a degree may be withheld until all disciplinary processes are complete and all sanctions, if any, are satisfactorily completed. The submission of false information at the time of admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal or other appropriate disciplinary action.
  - (m) Educational Sanction – a student may be required to complete educational activities, programs, presentations, or any other learning experience deemed necessary by the judicial coordinator.
- (3) The President of the University is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1989. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed January 16, 2007; effective May 31, 2007.

#### **0240-3-4-.04 DISCIPLINARY PROCEDURES.**

- (1) Generally. The following information describes the due process rights of all students and the procedures followed by University officials in the administration of discipline. The term student shall be construed to include a registered student organization wherever the term appears in the procedures. Those procedures described under University Procedures are available to a student anytime he or she is alleged to have violated a University rule.
- (2) Applicability of TUAPA. The procedures described under the Tennessee Uniform Administrative Procedures Act represent an alternative route when the alleged misconduct is such that the University seeks to impose a penalty of (1) suspension or expulsion from the University for disciplinary reasons, or (2) revocation of registration of a student organization during the term of the registration. In such cases, the student elects the procedures of his or her choice.
- (3) Limitation. Procedural rights available to students appealing the issuance of MTSU traffic citations are limited to those expressly described herein.
- (4) Academic and Classroom Misconduct.
  - (a) Classroom Misconduct.

The instructor has the primary responsibility for control over classroom behavior and can direct the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct which otherwise violates the general rules and regulations of the institution. The instructor may report such misconduct to the Assistant Dean for Judicial Affairs for implementation of such disciplinary sanctions as may be appropriate, including extended or permanent exclusion from the classroom.

(Rule 0240-3-4-.04, continued)

- (b) Academic Misconduct
  - 1. Academic misconduct is defined as plagiarism, cheating, fabrication, or facilitating any such act. The instructor should report allegations of academic misconduct to the head of the concerned department, and to the Assistant Dean for Judicial Affairs. The instructor should attempt to inform the student of the allegations and notify the student that the information has been forwarded to the Assistant Dean.
  - 2. Prior to notifying the Assistant Dean and at the instructor's discretion, the instructor may conduct a conference with the student in compliance with the following procedures:
    - (i) the student will be provided notice that he/she is believed to have committed an act or acts of academic misconduct in violation of University rules;
    - (ii) the student will be presented with all evidence in the knowledge or possession of the instructor which tends to support the allegation(s) of academic misconduct; and,
    - (iii) the student will be given the opportunity to present information on his/her behalf
- (c) In either case, and based upon TBR Policy #3:02:00:01 regarding academic misconduct the instructor will assign an appropriate grade. This information, along with all supporting documentation of the violation, will be forwarded to the Assistant Dean of Students.
- (d) Consistent with the Student Code of Conduct, and if applicable, following the instructor's conference with the student, the Assistant Dean for Judicial Affairs will meet with the student to determine if implementation of disciplinary sanctions is appropriate.
- (e) In the event a student believes he/she has been erroneously accused of academic misconduct, and at the discretion of the Assistant Dean of Student Life, a hearing before the University Discipline Committee may be arranged. If the student is found responsible for the allegation(s) of academic misconduct, the grade, as assigned by the instructor, will stand. Should the Discipline Committee absolve the student of the allegations of academic misconduct, the faculty member will reassess the student's grade based on the Discipline Committee's finding
- (f) Consistent with other disciplinary cases, the Discipline Committee will forward their recommendations for sanctions to the Vice President for Student Affairs.
- (g) The student may stay in class pending a hearing if the faculty member determines that the student's presence in the class does not interfere with the instructor's ability to teach the class or the ability of other class members to learn.
- (h) Appeals will be heard by the Student Appeals Committee in accordance with established procedures.
- (5) Cases of Alleged Sexual Assault - In cases of sexual assault, both the accuser and the accused shall be informed of the following:
  - (a) Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceedings; and
  - (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.

(Rule 0240-3-4-.04, continued)

(6) University Procedures

- (a) Responsibility for Administration. The administration of discipline is a function of the Dean of Students' office and/or the appropriate adjudicating body.
- (b) Reports of acts and incidents involving students may be referred for evaluation and possible disciplinary action by the Department of Public Safety, Residence Hall staff members, faculty, students, and other members of the University community. Reports should be directed to the Assistant Dean for Judicial Affairs and Mediation Services located in the Keathley University Center, Room 126.
- (c) Preliminary Review. A student or representative of a student organization alleged to have acted in violation of University regulation(s) will be interviewed by the Judicial Coordinator. During this conference, the student or student organization representative will be advised as to which University regulation(s) have allegedly been violated and will be given an opportunity to explain his/her version of the act or incident or to otherwise refute the allegations.

The Judicial Coordinator will review the incident, taking into account the information provided by the student. A determination will be made and the student will be advised as to whether or not sustained disciplinary proceedings are indicated and if so, whether a sanction of suspension or expulsion will be sought by the University. Cases in which a suspension or expulsion is sought to be implemented will be referred to the Dean of Student Life for assignment to the appropriate body for hearing. Cases in which the student is subject to less severe sanctions will be disposed of by disciplinary conference or mediation pursuant to these procedures.

- (d) Implementation of Disciplinary Sanctions. The following procedures are available to students who are subject to disciplinary sanctions:
  - 1. Students subject to a sanction of suspension or expulsion shall be accorded a hearing before the appropriate University adjudicating body. The following procedures shall be observed:
    - (i) The respondent shall be advised in writing of the time and place of the hearing at least five (5) business days in advance;
    - (ii) The respondent shall be advised in writing of the alleged breach of regulations to which he/she is charged. Such notification should be of sufficient detail to permit the respondent an opportunity to adequately respond to the allegations;
    - (iii) The respondent shall be advised in writing of the following rights:
      - (I) The right to present his or her cause;
      - (II) The right to be accompanied by an advisor or counsel whose participation shall be limited to directly advising the respondent. The respondent may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the respondent, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements or engage in argument. The respondent may be accompanied by more than one advisor or counsel at the discretion of the adjudicating officer or body. The intent of the respondent to be accompanied by an advisor or counsel shall be indicated to the Judicial Coordinator during the disciplinary conference.

(Rule 0240-3-4-.04, continued)

- (III) The right to call witnesses in his or her behalf;
  - (IV) The right to confront witnesses against him or her.
  - (iv) All hearings shall be closed unless the respondent and the complaining student both elect in writing to have an open hearing.
  - (v) Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant or unduly repetitious.
  - (vi) Decisions of the adjudicating body relative to the responsibility of the respondent involved in an alleged violation shall be by majority vote of members present and voting. The chair of the adjudicating body votes only in the case of a tie.
  - (vii) The standard of proof required for a finding of violation of the student code of conduct shall be the preponderance of the evidence.
  - (viii) The respondent shall be advised in writing of the adjudicating body's decision and of the method of appeal.
2. A student subject to suspension or expulsion may choose to have the appropriate student personnel dean adjudicate the case pursuant to paragraph (3) below. The following conditions must be met:
- (i) The student requests the procedure and thereby waives his/her right to have the case heard pursuant to the TUAPA.
  - (ii) The dean consents to adjudicate the case.
  - (iii) The student is willing to accept the dean's adjudication as final and waives his/his right to appeal.
3. Students who are subject to imposition of disciplinary sanctions other than suspension or expulsion will be accorded a disciplinary conference with the appropriate Student Personnel Dean. A preliminary review conference may be converted to a disciplinary conference at the student's election. The Student Personnel Dean may refer for a hearing by the appropriate adjudicatory body any case which is unduly complex or which contains a genuinely disputed issue of a material fact(s). The following procedural protections will be afforded the student at and/or during the disciplinary conference:
- (i) The student shall be advised of the breach of regulations of which he or she is charged.
  - (ii) The student shall be given an opportunity to call witnesses or present other evidence in his/her behalf.
  - (iii) The student may be accompanied by an advisor or counsel of his/her choice.
  - (iv) The student will be advised in writing of the sanctions imposed.

(Rule 0240-3-4-.04, continued)

- (e) Students involved in conflicts with another individual(s) may elect to have this conflict mediated with the assistance of a third party mediator assigned by the appropriate student life dean. The following conditions must be accepted by the parties:
  - 1. All parties involved must agree to the mediation process;
  - 2. The resolution that results from the mediation process will be written, must be signed by all parties, and will bind the parties to abide by the agreed terms until such terms are completed, or an alternative agreement is developed by the parties; and
  - 3. The agreement reached through mediation is not subject to any appeals process.
  - 4. If no form of resolution can be determined by mutual consent, the Judicial Coordinator may recommend that the matter be referred to the appropriate judicial body.
- (f) Victim's Rights. Students who are victimized by violations of the University rules shall be provided with certain rights. Additionally, although the victim's input shall be sought during the disciplinary process, the right and responsibility for disposition of any individual complaint is reserved to the University. If a victim withdraws his or her complaint or refuses to offer testimony during the course of the disciplinary proceeding, the University reserves the right to proceed with a disposition of the allegations consistent with these rules. The rights referenced above are as follows:
  - 1. The victim shall be advised in writing of the time and place of the hearing at least five (5) business days in advance.
  - 2. The victim shall be given the opportunity to meet with the appropriate Judicial Coordinator or his/her designee to discuss the disciplinary process.
  - 3. The victim shall be given an opportunity to submit a written account of the alleged incident.
  - 4. The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor or counsel whose participation shall be limited to directly advising the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statement, or engage in argument. The victim may be accompanied by more than one advisor or counsel at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor or counsel shall be indicated to the Judicial Coordinator during the disciplinary conference.
  - 5. The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing.
  - 6. The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence.
  - 7. In addition to the written account of the alleged incident noted in 3. above, the victim shall be allowed to submit a written impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary hearing.

(Rule 0240-3-4-.04, continued)

- (g) Assignment of Cases. The Dean of Students will assign cases for hearing to the appropriate adjudicating body.
- (h) Effect of Non-Cooperation. Students alleged to have violated University rules or regulations shall be provided a notice of the allegation(s). A student must respond within five (5) business days to such notice. A student who fails to respond to a notice of allegations within the specified time frame will have a hold placed on his or her records and transcripts, and will be notified of such by a second letter that also contains a written notice containing the regulation which he or she is alleged to have violated, a brief statement of the evidence, and an explanation of the procedures available for disposition. The hold will be removed at such time as the student has appropriately responded to a notice of an alleged violation(s) of these rules.

In the event a student fails to cooperate, ignores, or otherwise does not respond within five (5) business days after receiving the second letter, he/she shall be referred for a hearing before the appropriate University adjudicating body and shall be deemed to have waived the election of a hearing pursuant to the "Tennessee Uniform Administrative Procedures Act".

- (i) Disciplinary files developed will be voided if the student is not found to be responsible for a rules violation. A permanent file will be maintained if a student is suspended or expelled as a result of his/her being found to be responsible for a rules violation. No reference to the suspension or expulsion will be made on the student's transcript unless the sanction so specifies. Files developed in cases in which a lesser sanction has been imposed will be for a period five (5) years after date of action unless the sanction specifies that it should be retained for a longer period.
- (j) Procedure for Traffic Court. Students who receive a citation which they believe was issued erroneously or for which they can provide an excuse that would constitute an emergency may appeal such citation within seven (7) class days of its issuance to the SGA Traffic Court. The student will be afforded the opportunity for a hearing wherein the following procedures will be observed:

- 1. The student will be advised of the following rights:
  - (i) The right to present his or her cause;
  - (ii) The right to call witnesses in his or her behalf;
  - (iii) In the case of a moving violation or tow, the right to confront the officer who wrote the citation and/or authorized the tow.
- 2. The citation(s) issued will be considered sufficient on their face to establish the violation and will remain sufficient to support a judgment if not contradicted or rebutted.

(k) Judicial Bodies

- 1. Structure of the Judicial System. The student judicial system of Middle Tennessee State University consists of the following components:
  - (i) The Student Supreme Court shall hear cases referred to it by the dean of Student Life. In these cases, the Court makes its recommendation to the dean of Student Life or his/her designee.
  - (ii) The Student Traffic Court shall hear cases appealing traffic and parking citations. The decision of the Student Traffic Court will be final in such cases. Student

(Rule 0240-3-4-.04, continued)

Justices are appointed by the president of the Student Government Association with the consent of the Student Senate.

- (iii) The University Discipline Committee hears cases referred to it by the dean of Student Life and makes its recommendations to the vice president for Student Affairs. Members of the University Discipline Committee are appointed by the University president.
  - (iv) The Student Appeals Committee shall hear (1) appeals in cases heard by the University Discipline Committee, (2) appeals in original cases heard by the Student Supreme Court, (3) adverse decisions regarding the initial or continued registration of student organizations, (4) appeals of decisions resulting from the interpretation and application of the Family Educational Rights and Privacy Act by institutional agencies and officials, and (5) appeals of decisions regarding classification of students for fee paying purposes. Members of the Student Appeals Committee are appointed by the University president.
  - (v) Any member of one of the aforementioned judicial bodies may be removed from its membership for cause, as shall be determined by the discretion of the members of that body. In no case shall a student be tried by a judicial body of which he or she is a member.
- 2. Recommendations. Recommendations by the Student Supreme Court and the University Discipline Committee will be reviewed by the appropriate approving authority and are subject to the following alternatives: (1) the recommended sanction may be affirmed, (2) the decision may be reversed (overruled), or (3) the case may be returned to the original judicial body for reconsideration of the sanction(s) only (a finding of responsibility will not be reconsidered).
  - 3. Membership. Student Justices are appointed by the President of the Associated Student Body with the consent of the Student Senate. Members of the University Discipline Committee and Student Appeals Committee are appointed by the University President.

Any member of one of the aforementioned judicial bodies may be removed from its membership for cause, as shall be determined by the discretion of the members of that body. In no case shall a student be tried by a judicial body of which he or she is a member.

(l) Appeals

- 1. Generally. Only an individual who has been suspended or expelled as the result of disciplinary action has the right to appeal.
- 2. Time Limitations. An appeal must be submitted in writing to the Judicial Coordinator within forty-eight (48) hours of receipt by the respondent of the approving authority's decision to affirm the sanction.
- 3. Submission of Appeal. All appeals must be submitted within the appropriate time limitations to the Dean of Students. The Dean of Students will refer the appeal to the appropriate appellate body.
- 4. Grounds for Appeal. The appeal must specify grounds which would justify consideration. General dissatisfaction with the outcome of the decision shall not be

(Rule 0240-3-4-.04, continued)

accorded as a basis for consideration of an appeal. The only basis for considering an appeal are the presentation of facts by the appellant which support to show:

- (i) An error in procedural due process by the body of original jurisdiction which prejudiced the disciplined student to the extent that he/she was denied a fundamentally fair hearing as a result of the error; or
    - (ii) The emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.
  - 5. Appellate Procedure. The appellate body shall make an initial determination as to whether or not sufficient grounds for appeal, based on the standards enunciated above, have been alleged. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration. The appellate body shall not conduct a de novo hearing (a rehearing), but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered.
  - 6. Action by Appellate Body. The alternatives available to the appellate body are:
    - (i) The recommended sanction may be affirmed;
    - (ii) The decision may be reversed (overruled); or
    - (iii) The case may be returned to the original judicial body for reconsideration of the sanctions(s) only (a finding of responsibility will not be reconsidered).
  - 7. Authority of the President. The President of the University retains final authority on all campus matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President of the University.
- (7) “Tennessee Uniform Administrative Procedures Act”. The University believes that the disciplinary procedures described above serve well the interest of students in obtaining full and fair hearings with a minimum of expense, complexity and inconvenience. An alternative to these procedures, applicable to cases involving student conduct for which the University seeks to impose a penalty of (i) suspension or expulsion from the institution, a program, or a course for disciplinary reasons, or (ii) revocation of registration of a student organization during the term of the registration, is provided by the “Tennessee Uniform Administrative Procedures Act”.
- (a) When an incident involving allegations of student misconduct is brought to the attention of the appropriate Student Personnel Dean, an investigation shall be conducted. Such an investigation may include but not be limited to visiting the scene of an alleged incident, interviewing interested parties and gathering relevant evidence.
  - (b) Following a preliminary investigation, the appropriate student personnel dean shall confer with the alleged student offender to ascertain the truth of the allegations. At this time, the student may offer any relevant evidence in rebuttal to the allegations.
  - (c) In the event that the alleged misconduct is such that the University seeks to impose a penalty of (i) suspension or expulsion of a student from the University, a program, or a course for

(Rule 0240-3-4-.04, continued)

disciplinary reasons, or (ii) revocation of registration of a student organization during the term of registration, the appropriate Student Personnel Dean shall inform the student as follows:

1. The student in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Board of Regents in compliance with the "Tennessee Uniform Administrative Procedures Act".
  2. The student may elect to have the charge(s) against him or her disposed of in accordance with the University procedures outlined above or under the "Tennessee Uniform Administrative Procedures Act" in accordance with the Board's uniform contested case procedures.
- (d) If the student elects to have the case determined in accordance with University Procedures, the appropriate Student Personnel Dean shall forward to the President of the University, or his designee, a signed statement by the student electing the University Procedures rather than those procedures available under the "Tennessee Uniform Administrative Procedures Act".
- (e) If the student elects under the Tennessee Uniform Administrative Procedures Act, in accordance with the Board's uniform contested case procedures, the President shall designate a Director (normally the Associate Dean of Students for Men's Affairs, acting under the direction of the Vice President for Student Affairs) who shall forward to the President, or his designee, a signed statement by the student electing a hearing under the "Tennessee Uniform Administrative Procedures Act".
- (f) In all cases involving a hearing under the "Tennessee Uniform Administrative Procedures Act" contested case provisions, the President or his designee shall determine, based upon the nature of the case, whether the hearing shall be before a Hearing Officer alone or a Hearing Committee presided over by a Hearing Officer.
- (g) A final decision by the Hearing Officer or Committee adverse to the student in a hearing under the "Tennessee Uniform Administrative Procedures Act" contested case provisions shall be in writing and shall include a statement of the student's right to judicial review.
1. Any student who is aggrieved by a final decision in a hearing under the "Tennessee Uniform Administrative Procedures Act" contested case provisions may, within ten (10) days after entry of said decision, file a written petition for reconsideration based on grounds limited to the following: (i) some material errors of law; (ii) some material errors of fact; or (iii) the discovery of new evidence sufficiently strong to reverse or modify the decision and which could not have been previously discovered by due diligence. The filing of a petition shall not extend, modify, suspend or delay the effective date of the decision.
  2. A student may appeal the case to the President of Middle Tennessee State University for review within ten (10) days of the decision. Such appeal is discretionary and failure to appeal shall not preclude the student from seeking judicial review.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 31, 1983. Amendment filed July 29, 1986; effective October 29, 1986. Amendment filed August 29, 1988; effective October 29, 1988. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002.

(Rule 0240-3-4-.04, continued)

*Amendment filed September 6, 2002; effective January 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed January 16, 2007; effective May 31, 2007.*

**0240-3-4-.05 GUIDELINES FOR SOCIAL ACTIVITIES.**

- (1) In order to maintain an environment that promotes a student centered learning environment, social activities must be conducted in accordance with established guidelines.
- (2) Social activities may include, but are not limited to, open houses, parties, dances, mixers, and musical performances, or any other activity of a social purpose planned by registered student organizations or national Greek letter organizations. Social activities must be approved for registration by the appropriate University official.
- (3) Guidelines. The following guidelines apply to social activities:
  - (a) Social activities are limited to University students with MTSU IDs and/or to persons with written invitations. National Greek letter organizations must comply with policies set forth by the Office of Greek Life and their national office.
  - (b) Social activities with unrestricted access by non-members of the organization without specific invitation are prohibited. Specific invitations must be approved by the Office of Student Organizations and Community Service or the Office of Greek Life. An announcement of general circulation to the campus is not considered to be an invitation.
  - (c) Activities that are considered performances, and where admission is charged, may request special permission from the appropriate University official to advertise the event at off-campus locations.
  - (d) Organizations planning social activities must comply with all University regulations and with local, state and federal laws and ordinances.
  - (e) All social activities, whether on or off-campus, must be appropriately registered and approved as outlined in the General Rules on Student Organizations.
  - (f) Any student organization which intends to conduct a social activity at an off-campus location where alcohol will be present must provide assurance at the time of registration of the event that the organization will conduct the activity in compliance with the requirements concerning the responsible use of alcohol outlined on the Statement of Assurance form. Student organizations must provide evidence of liability insurance in the name of the organization before such approval will be considered.
  - (g) Events sponsored by registered student organizations and National Greek letter organizations may not conflict with official Welcome Week activities. All events that occur during Welcome Week must be approved in advance by the Office of Student Development.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Original rule filed May 13, 1991; effective August 28, 1991. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed August 29, 2000; effective December 29, 2000. Amendments filed June 28, 2005; effective October 28, 2005.

**0240-3-4-.06 TRAFFIC AND PARKING REGULATIONS.**

- (1) General

(Rule 0240-3-4-.06, continued)

- (a) The following regulations are designed to provide for the effective use of parking areas, the safe movement of motor vehicles and pedestrian traffic, and the general safety of the campus. Regulations must be observed at all times including exam periods, registration, summer session and during inclement weather. Any information contained in these regulations is subject to change. These regulations are promulgated pursuant to the authority granted to the Tennessee Board of Regents by the Tennessee General Assembly.
- (b) The purpose of this policy is to acquaint all administrators, faculty, staff, and students with regulations pertaining to registration of motor vehicles, traffic and parking regulations, and the penalties for violation of said regulations.
- (c) The University reserves the right to regulate the use of all vehicles, including motorcycles, motor scooters, mopeds, and bicycles, on the campus and to forbid the use of a vehicle by any person whose conduct indicates that he or she is not complying with University regulations, City of Murfreesboro ordinances, and/or Tennessee State laws pertaining to motor vehicles.
- (d) The registrant of the vehicle is held responsible for the safe and lawful operation of the vehicle, the parking of the vehicle, and all traffic/parking citations issued against the vehicle, regardless of who is operating the vehicle at the time of the incident. A violation notice is not excused on the plea that another person was driving the vehicle or using your parking permit.
- (e) Parking on the MTSU campus is permitted only in those areas designated for parking. Parking in all other areas is prohibited.
- (f) The University regards the possession and use of a vehicle on the campus as a privilege which may be revoked for justifiable reason. These may include but are not limited to any of the following:
  - 1. Operating a vehicle while under the influence of alcohol/drugs.
  - 2. Failure to observe the regulations, ordinances and laws governing the operation and parking of a vehicle.
  - 3. Leaving the scene of an accident.
  - 4. Five or more parking citations in a semester. See paragraph (i) below.
  - 5. Obtaining an MTSU Parking Permit through False Pretense. Parking Services may remove any permit which has been forged, altered, or obtained illegally.
  - 6. Failure to yield the right-of-way to an emergency vehicle when displaying red/blue flashing lights.
  - 7. Failure to obey an officer directing traffic.
- (g) Unless noted otherwise, all regulations specified in this rule are enforced 24 hours a day, 7 days a week.
- (h) The University assumes no responsibility for damage or loss to a vehicle while it is parked or operated on the campus.
- (i) Any vehicle receiving two (2) or more citations in one semester for "No Campus Permit" or failure to have a permit displayed according to the provisions of rule 0240-3-4-.07 (1)(m) will receive a written warning. If after three (3) working days following the issuance of the warning

(Rule 0240-3-4-.06, continued)

the vehicle is found parked on campus without being properly registered and having the permit properly displayed as set forth in rule 0240-3-4-.07 (i)(m), the vehicle will be towed at the owner's/registrant's expense. A working day is defined as a weekday unless it is an official University holiday.

- (j) Parking permits will be denied to faculty/staff/administration who have unpaid parking fines until such time as the fines are paid in full.
  - (k) The overall objective of MTSU parking administration is to provide safe, attractive, and sufficient parking facilities that allow faculty, staff, and students to park at a reasonable cost and within a 10 to 15 minute walk or ride to the core of the campus.
- (2) Parking Regulations.
- (a) All state of Tennessee laws. City of Murfreesboro ordinances, and University regulations pertaining to motor vehicles are in effect and are enforced 24-hours per day, 7-days a week, unless otherwise noted.
  - (b) Color-coded parking is used to regulate the parking of vehicles. The color of the parking permit denotes the area in which a person may park.
    - 1. White - Available to Faculty/Administrators/Staff (including resident directors and graduate assistants). White permits also are permitted in Green parking areas. Faculty, administrators, and staff may not transfer their permit to any student (or student vehicle).
    - 2. Green - Available to Faculty, Administrators, Staff and Students.
    - 3. Purple - Available to residents of Womack Lane Apartments only.
    - 4. Red - Available to residents of Scarlett Commons only.
    - 5. Gold - Available to residents of Greek Row only.
  - (c) The following spaces are reserved as noted:
    - 1. Students and Employees with Disabilities-reserved twenty-four (24) hours a day.
    - 2. Health Services reserved twenty-four (24) hours a day.
    - 3. Library Staff-reserved from 6:00 p.m. to 11:00 p.m., daily.
    - 4. Womack Lane Apartments parking area - reserved 24 hours a day.
    - 5. Housing Staff only - reserved 24 hours a day.
    - 6. Maintenance Spaces - reserved 24 hours a day.
    - 7. Scarlett Commons - reserved 24 hours a day.
    - 8. Greek Row-reserved 24 hours a day.
    - 9. Speech Clinic spaces in the Nurses lot - reserved Monday through Thursday from 8:00 a.m. until 4:00 p.m.

(Rule 0240-3-4-.06, continued)

10. CDC Parent spaces in Belle Aire parking lot - reserved Monday through Thursday from 8:00 a.m. until 4:00 p.m.
- (d) Vehicles are not to be parked at any time where parking is not designated, where curbing is painted yellow, where sidewalks intersect streets, on sidewalks, across parking lines, on campus lawns (grass) or other places where signs indicate no parking. Parking is allowed only in clearly designated parking spaces. Vehicles that are parked or are waiting in a fire lane will be towed. in gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow.
- (e) Vehicles are not to be parked in any manner as to constitute a traffic/pedestrian hazard or to impede the flow of traffic/ pedestrians.
- (f) Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb (T.C.A. §55-8-161).
- (g) After 6:30 p.m., Monday through Friday and on weekends, White and Green permit parking areas are open for any permitted vehicle. Yellow curbs, no parking zones, disabled and reserved spaces are in effect 24 hours a day, seven days a week.
- (h) All students and employees are to park only in their assigned areas, Monday through Friday, 7:00 a.m. to 6:30 p.m., Monday, except for the following parking lots which will open for all permitted parking at 5:30 p.m.
  1. Lot #19, ROTC lot, which is west of Forrest Hall and north of the Todd Building.
  2. Lot #23; Jones Field lot, which is south of the baseball field.
  3. Lot #25: the lot located north of the Cason-Kennedy Nursing Building.
  4. Lot #73: the lot located east of the University Library and south of the Bragg Mass Communications Building.
  5. Lot #36: the lot located South of the University Library.
  6. Lot #76: The lot located east of Voorhies Industrial Studies and north of the Midget Business Building.
  7. After 6:30 p.m. Monday through Friday and on the weekends, White and Green permit parking areas are open for any permitted vehicle. Yellow curbs, no parking zones, disabled and reserved spaces are in effect 24 hours a day.
- (i) Short-term parking is governed by parking meters. The parking meters are considered in operation from 7:30 a.m. to 6:30 p.m., Monday through Friday. A charge of fifty cents (.50) for 30 minutes is required while parked in these spaces.
- (j) Vehicles are not permitted to park in campus directory drives. This is enforced 24 hours a day.
- (k) Vehicles will be towed from campus streets, parking areas, lawns, drives, restricted areas, loading areas, etc., if the vehicles are parked or left in violation of University regulations, City of Murfreesboro ordinances and/or Tennessee State laws pertaining to motor vehicles or if said vehicle constitutes a traffic/pedestrian hazard. The cost of towing and any penalties will be the responsibility of the owner/registrant. All tow zones are enforced twenty-four (24) hours a day.

(Rule 0240-3-4-.06, continued)

- (1) The operator of any disabled vehicle parked in violation of University regulations must report the vehicle immediately to Parking Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of University regulation.
  - (m) No recreational vehicles such as boats, jet skis, and all-terrain vehicles and/or their travel trailers shall be parked or stored on campus property, except for equipment purchased by academic/administrative departments for University related purposes.
  - (n) Residents of Family Student Housing, New Student Apartment Housing, and Greek Row are permitted to park only in those areas designated as reserved for their respective housing complex. Overflow parking space will be designated and announced by the Office of Parking Services.
  - (o) The residents of Womack Lane Apartments, Scarlett Commons, and Greek Row are not allowed to park elsewhere on the campus, except in the housing area in which they reside. Any designated overflow parking will be announced by public notice by the Parking Services Office to the residents.
- (3) Operation of Motor Vehicles.
- (a) Speed limits are posted throughout the campus. All speed limits are radar enforced.
  - (b) Passing on campus is prohibited.
  - (c) All vehicles must come to a complete stop at an intersection where a stop sign (either mounted on a post or painted on the street surface) is displayed (T.C.A. §55-8-149).
  - (d) Motorists are to yield the right-of-way to all pedestrians in a cross walk (T.C.A. §55-8-134, MCC32-8).
  - (e) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer (T.C.A. §55-8-132).
  - (f) All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee (T.C.A. §55-9-302).
  - (g) All vehicles must come to a complete stop for a school bus loading or unloading children (T.C.A. §55-8-151).
  - (h) Littering from a vehicle (as well as littering in general) is prohibited and subject to a fine.
  - (i) Any person who drives in willful and wanton disregard for the safety of persons or property is guilty of reckless driving (T.C.A. §55-10-205 ).
  - (j) The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer (T.C.A. §55-8-109).
  - (k) U-turns are prohibited on the campus.

(Rule 0240-3-4-.06, continued)

- (l) Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.
  - (m) Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.
  - (n) All State of Tennessee laws, City of Murfreesboro ordinances, and University regulations pertaining to motor vehicles are applicable 24 hours a day, unless otherwise noted.
- (4) Towing/Booting
  - (a) Vehicles will be towed/booted if the vehicle is parked or left in violation of University regulations, City of Murfreesboro ordinances, and/or Tennessee State laws pertaining to motor vehicles, or if said vehicle constitutes a traffic/pedestrian hazard. The owner/registrator of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting. If a boot is removed by the owner/registrator of the vehicle and damaged, the owner/registrator will be responsible for the cost of the boot as well as the ticket fine and boot removal fee. Also, the owner/registrator of the vehicle will be prosecuted to the fullest extent of the law if a boot is improperly removed and damaged by owner/registrator, as may be appropriate. Vehicles may be towed/booted for, but not limited to, the following violations:
    - 1. Parked in a disabled parking space/ramp without disability permit.
    - 2. Blocking fire hydrant.
    - 3. Blocking the roadway, walkway, or disabled ramp.
    - 4. Parked so as to constitute a traffic/pedestrian hazard.
    - 5. Parked in a loading zone.
    - 6. Abandoned/immobile.
    - 7. Five or more traffic/parking citations (paid or not paid) in a semester.
    - 8. Parked in a campus directory drive.
    - 9. Excessive No-Campus-Permit violations as defined in Section 0240-3-4-.06(6)(h).
    - 10. Displaying a forged or altered permit.
    - 11. Parking on campus while parking privileges have been revoked.
    - 12. Displaying a lost or stolen permit.
    - 13. Parked in a fire lane.
    - 14. Faculty/staff/administration with outstanding fines from prior semester who receive first citation after permit expiration.
    - 15. Any vehicle parked on campus with no visible means of identification; i.e., the license tag has been removed and the vehicle identification number covered or removed.
  - (b) Any person whose vehicle is impounded may appeal such action as outlined in Section 0240-3-1-.06(6).
- (5) Visitors
  - (a) A visitor is any person who has business or other reason to be on campus but who is not a student or a member of the faculty, staff or administration.
  - (b) All visitors are requested to use parking meters or to report to the Parking Services Office in the Tennessee Livestock Center parking lot off Greenland Drive to secure a visitor's parking permit. This permit will be made available free of charge. Everyone must pay at the meters.
  - (c) Visitors are welcome on the campus and may park in any legal parking space, as designated by the Parking Services Office. Visitors are reminded that they are subject to the regulations,

(Rule 0240-3-4-.06, continued)

ordinances, and laws pertaining to motor vehicles while on the campus and that violation of such may result in a citation and/or towing of the vehicle.

- (d) Visitors receiving an unregistered violation (No. 32: No Campus Permit) should sign the ticket and mail or deliver the ticket to Parking Services, P.O. Box 147, MTSU, Murfreesboro, TN 37132.
  - (e) Requests for special guest parking should be submitted to the Parking Services Office as far in advance as possible. As a result of the time needed to coordinate the numerous parking requests, special event parking requests should be submitted at least seven (7) days in advance.
- (6) Judicial Procedures.
- (a) Any student, other than one holding a faculty/administrative/staff permit, who receives a parking/traffic citation may appeal the citation within seven (7) days of issuance by going to the SGA Web site at <http://www.edu/-sga>. Those students holding faculty/administrative/staff permits may appeal according to rule 0240-3-4-.06 (6)(b).
  - (b) Any employee or student holding a faculty/administrative/staff permit who receives a citation may appeal the citation within seven (7) days of issuance by filing an appeal form or by going to the Parking Services Web site at [www.MTSU.edu/-parking](http://www.MTSU.edu/-parking). (The department head of the department where the employee/student is employed has the necessary appeal form, or an appeal form may be obtained at the Parking Services Office.) Attach the citation to the appeal form and forward to Parking Services, P.O. Box 147. The University Parking and Traffic Committee will handle disposition of the appeal.
  - (c) Any student or employee who has his/her vehicle towed may appeal such action to the appropriate judicial body. This can be done only after the vehicle has been secured from impoundment and within seven (7) days of the towing date.
  - (d) The payment of citations will in no way restrict the SGA Traffic Court or the University Parking and Traffic Committee from revoking parking privileges.
- (7) Accidents.
- (a) All accidents involving a vehicle must be reported to the Department of Public Safety as soon as possible (T.C.A. §55-10-106). The vehicle(s) are not to be moved until the investigating officer instructs the parties to do so. Failure to comply with the provisions of this paragraph may result in criminal prosecution (T.C.A. §§55-10-101 through 55-10-110).
  - (b) A copy of the accident report will be furnished to all involved parties at \$1 per page. The copy may be secured at the Department of Public Safety, Monday through Friday, 8:00 a.m. - 4:00 p.m.
- (8) Violations and Penalties.
- (a) Fines for violations listed under (a) of this section range in amount from \$10.00 to \$200.00. Specific amounts currently charged are published in the MTSU Traffic and Parking Regulations, available at the Parking Authority Office. Fines are subject to change on a yearly basis, pursuant to the regular planning processes of the University. Proposed increases in fines are submitted to the TBR for approval.
    - 1. Overtime parking (meter)
    - 2. Parking in unassigned area

(Rule 0240-3-4-.06, continued)

3. Parked in a reserved space
  4. Parked on grass
  5. Parked on campus directory drive
  6. Permit not displayed properly
  7. Permit not legible
  8. Parked by yellow curb
  9. Improperly parked
  10. Blocked walk/road
  11. Failure to display permit
  12. Littering
  13. Failure to obey traffic control signals/signs
  14. One-way street
  15. Improper turn
  16. No campus permit
  17. Careless driving
  18. Speeding
  19. Parked in a disabled space/ramp
  20. Parked in a tow zone
  21. Parked in a firelane
  22. Blocking a fire hydrant
  23. Second and subsequent offense within a semester
  24. Unidentifiable vehicle.
  25. Displaying a White lost/stolen permit
  26. Displaying a Green lost/stolen permit
  27. Displaying a Blue lost/stolen permit
  28. Displaying a forged/altered permit
  29. Displaying an unauthorized permit
- (b) Vehicles of violators with five (5) or more citations (paid or not paid) in a semester will be towed/booted at the owner's/registant's expense.
- (c) Citations may be given every four (4) hours with no more than two (2). tickets to be issued per day for the same violation at the same location. Overtime parking citations (meters) will be given every hour, with no restrictions on the number issued per day.
- (d) Overtime parking citations (parking meter violations) may be issued every hour.
- (e) All fines are to be paid at the Business Office in the Cope Administration Building, Monday through Friday, 8:00 a.m. - 4:00 p.m.
- (9) Parking Services/Public Safety
- (a) The Parking Services Office is located in the Tennessee Livestock Center parking lot off Greenland Drive. The phone number is 898-2850. The office is open Monday through Friday from 7:30 a.m. to 4:30 p.m.
- (b) The Department of Public Safety is recognized by the State of Tennessee as an independent police agency and is empowered to perform all duties required by law.

**Authority:** T.C.A. §§49-8-203 and 55-21-102. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed July 29, 1986; effective October 29, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995.

(Rule 0240-3-4-.06, continued)

*Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004.*

#### **0240-3-4-.07 REGISTRATION OF MOTOR VEHICLES.**

- (1) (a) Registration of all vehicles, including motorcycles, motor scooters and mopeds, with Parking Services is required beginning with the Fall Semester and continuing through the academic year (August 16 through August 15).
- (b) All students (including part-time, full-time, graduate students, night students, etc.), administrators, faculty, and staff, whether full- or part-time, intending to park a vehicle on campus must obtain a permit through Parking Services and place the permit on or in the vehicle being operated. The issuance of permits will be limited to one permit per person with the exception of Womack Lane Apartments residents who will be allowed two permits per family. All registrants will be responsible for their issued permit throughout the academic year (August 16 through August 15).
- (c) The registrant of a permit will be responsible for parking violations received by any vehicle bearing his/her parking permit. Permits may only be used by the permit holder registered with Parking Services. Dependents, friends and/or associates of any authorized permit holder are not authorized to use that person's permit while parking for their personal convenience.
- (d) The permit fees are subject to the approval of the Tennessee Board of Regents and are published in appropriate University publications.
- (e) White - Available to Faculty/Administrators/Staff (including resident directors and graduate assistants). White permits also are permitted in Green parking areas. Faculty, administrators, and staff may not transfer their permit to any student (or student vehicle). NOTE: Parking permits will be denied for faculty/administration/staff who have outstanding fines from prior semester(s) until they are paid in fall. The first citation after permit expiration will result in towing of vehicle.
  1. Green - Available to administrators, faculty, staff and students.
  2. Blue - Students and Employees with Disabilities: Available to qualified students and employees.
  3. Purple - Available to residents of Womack Lane Apartments only.
  4. Red - Available to residents of Scarlett Commons only.
  5. Gold - Available to residents of Greek Row only.
- (f) Any person who changes parking category, as defined in (e) should bring his/her original permit to the Parking Services. Any additional fees associated with the change in permit must be paid at that time.
- (g) Damaged permits must be replaced within three (3) working days. The remnants must be turned into the Parking Services at the time of replacement. Failure to do so will result in the individual having to pay the full registration fee.

(Rule 0240-3-4-.07, continued)

- (h) Temporary Parking Permits will be issued as follows:
  - 1. To any employee or student operating a vehicle as a temporary substitute for a registered vehicle. The permit will be valid for seven (7) days from the date of issuance and a total of three (3) may be issued during any semester. The permit will indicate the appropriate color code area in which the vehicle may park. This permit is subject to a fee.
  - 2. Temporary Parking Permits may be issued to visitors, including vendors, and service and repair personnel, and will be valid for all parking areas not otherwise prohibited for the duration of time appropriate.
  - 3. Temporary loading/unloading permits may be issued at the discretion of Parking Services. This permit allows the operator of the vehicle up to but not to exceed thirty (30) minutes parking in a loading/unloading zone for the express purpose of loading or unloading his/her vehicle.
- (i) Disabled Parking Permits. Any person, whether student or employee, may apply for disabled parking privileges.
  - 1. As defined in State Law 55-21-102, persons must have a state-issued license plate or placard to obtain a Disabled Parking Permit. Persons must also show proof of ownership of the state-issued plate or placard.
  - 2. Applications will be submitted to the Parking Services Office, which office will determine the need or lack of need for a permit for a student or employee.
  - 3. Applicants denied a parking permit have the right to appeal to the Committee on Programs for Students and Employees with Disabilities, who will make the final decision as to whether someone receives a decal.
  - 4. Temporary permits will be issued for injuries or disabilities of limited duration, as specified by a physician's statement certifying an impairment. Those with temporary permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits. Those holding state-issued temporary placards may also park in blue disabled spaces.
- (j) The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the regulations, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on the campus.
- (k) The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner of the driver's side or hung from the rear view mirror of the vehicle being operated with the decal number facing the outside of the car and clearly readable. In those cases where compliance with the above is not feasible, the permit must be clearly visible through the front windshield when viewed from outside, or the registrant must consult with Parking Services for proper placement of the permit. The responsibility of transferring and properly displaying the hang tag rests with the individuals to whom the permit was originally issued. If for some reason the hang tag is not transferred to the vehicle being parked on campus, the individual originally purchasing the hang tag will be required to obtain a temporary one-day permit.
- (l) All Residents of Student Family Housing are required to register their vehicle(s) with the Department of Parking and Transportation. A maximum of two (2) vehicles may be registered. All vehicles registered to a resident of Family Housing will receive a green decal.)

(Rule 0240-3-4-.07, continued)

- (m) All residents of Womack Lane Apartments, Scarlett Commons, and Greek Row are required to obtain a parking permit according to their resident area. A maximum of two permits may be obtained by any family residing at Womack Lane Apartments.
- (n) Any resident of Womack Lane Apartment, Scarlett Commons, and Greek Row who holds a valid blue or white parking permit is also required to receive a special validation sticker that is to be placed adjacent to the MTSU parking permit. This validation sticker may be received through the director of Womack Lane Apartments, Scarlett Commons, or Greek Row. The validation sticker will be issued free of charge. There will be a different validation sticker for each resident area.)
- (o) Abandoned/immobile vehicles parked at Womack Lane Apartments, Scarlett Commons, and/or Greek Row will be towed at the owner/registrator's expense (T.C.A. §§55-16-101 to 55-16-109).
- (p) If an individual with a current permit receives a citation for violation of paragraph (1), the citation will be cancelled only if the citation is taken to the Parking Services office within seven (7) class days of issuance of the citation, and the violator can show the current permit at that time. (Vehicle must be parked in designated parking area according to permit color for the citation to be cancelled.) No more than three (3) such citations will be cancelled per semester. (Note: In the event that a vehicle receives more than one "No Campus Permit" ticket during a calendar day, those tickets will be reviewed as one offense.) A class day is considered Monday through Friday, unless it is an official University holiday for faculty, staff, and/or students.
- (q) You will be responsible for the security of your parking permit, keep your vehicle locked to prevent theft. If a permit is lost or stolen, you must fill out a "Parking Permit Loss Report" at Parking Services and pay a replacement fee to obtain a new permit.
- (r) Immediate family members of faculty, administrators, staff and students must park at meters or register their vehicles with Parking Services by obtaining a temporary parking permit. Failure to comply may result in the vehicle owner being issued an appropriate citation, the vehicle being towed/booted, and the vehicle owner being responsible for any expenses and fines associated with the vehicle
- (s) It is considered fraudulent for a registered permit holder to give his/her permit to another person for use on the campus. Permits are transferable from vehicle to vehicle. Permits are not transferable from person to person. When a permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the permit. In the event it is found that an individual reported a permit lost or stolen, but in fact gave the permit to another individual for use, both parties -will be cited with a violation for their actions.
- (t) Womack Lane Apartments, Scarlett Commons and Greek Row
  - 1. All residents of Womack Lane Apartments, Scarlett Commons, and Greek Row are required to obtain a parking permit according to their resident area (see Section 0240-3-4.07 1(f)). A maximum of two permits may be purchased by any family residing at Womack Lane Apartments.
  - 2. Any resident of Womack Lane Apartments, Scarlett Commons, or Greek Row who holds a valid Blue parking permit or White parking permit is also required to receive a special validation sticker that is to be placed adjacent to the MTSU parking permit. This validation sticker may be received through the director of Womack Lane Apartments, Scarlett Commons or Greek Row. (The validation sticker will be issued free of charge. There will be a different validation sticker for each resident area.)

(Rule 0240-3-4-.07, continued)

3. Abandoned/immobile vehicles parked at Womack Lane Apartment, Scarlett Commons, and/or Greek Row will be towed at owner's/registrant's expense (TCA §§55-16-101 to 55-16-109).
4. The parking areas within Womack Lane Apartments, Scarlett Commons, and Greek Row are reserved for the residents of these areas only. All other vehicles are subject to be cited and/or removed at the owner's/registrant's expense.
5. The residents of Womack Lane Apartments, Scarlett Commons, and Greek Row are not allowed to park elsewhere on campus, except in the housing area in which they reside. Any designated overflow parking will be announced by public notice by the Parking Office to the residents.
6. Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid MTSU Blue parking permit may park in any legal Blue, White, or Green parking space as well as the parking meters.
7. Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid MTSU White parking permit may park in any legal White or Green permit parking area.
8. Any resident of Womack Lane Apartments, Scarlett Commons, or Greek Row who holds a valid MTSU parking permit may park in any legal green parking permit area during the Summer session time period of May 15 through August 15. At all other time periods, residents must park in the housing area in which they reside or in the designated overflow parking areas that are announced by public notice by the Parking Services Office.

(u) R-X (Raider Xpress) Shuttle Service

1. The Raider Xpress shuttles operate along the shuttle route defined on the map available through the Parking Services office. Service will be provided from 7:30 a.m. to 10:00 p.m., Monday through Thursday and 6:30 a.m. to 6:00 p.m., on Friday. This service is available only when classes are in session. Times and routes are subject to change. This service is designed to transport faculty, staff, students and visitors throughout the campus and to help alleviate congestion at the campus core. All shuttles are accessible to the disabled. For further information regarding this service, please call 898-2850.

**Authority:** T.C.A. §§49-8-203 and 55-21-102. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment, filed July 29, 1986; effective October 29, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004.

**0240-3-4-.08 REPEALED**

**Authority:** T.C.A. §49-8-203. **Administrative History:** Original rule filed January 31, 1986; effective April 15, 1986. Repeal filed February 28, 2000; effective June 28, 2000.